

IC 14-20

ARTICLE 20. STATE MUSEUMS AND HISTORIC SITES

IC 14-20-1

Chapter 1. Division of State Museums and Historic Sites

IC 14-20-1-1

Applicability of chapter

Sec. 1. This chapter does not apply to the property described by Acts 1976, P.L.158.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-1.5

State museum development fund

Sec. 1.5. (a) The state museum development fund is established for the purpose of promoting interest in and use of the Indiana state museum.

(b) The state museum development fund shall be administered by the department. The state museum development fund consists of revenue generated by exhibit fees, concessions, donations, grants, and other miscellaneous revenue. Money in the state museum development fund at the end of a state fiscal year does not revert to the state general fund.

(c) The balance of the state museum development fund is continuously appropriated and may be used at the request of the department with the approval of the budget agency after review by the budget committee.

As added by P.L.291-2001, SEC.88.

IC 14-20-1-2

"Division" defined

Sec. 2. As used in this chapter, "division" refers to the division of state museums and historic sites.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-3

"Fund" defined

Sec. 3. As used in this chapter, "fund" refers to the state museum acquisition fund established by this chapter.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-4

"Political subdivision" defined

Sec. 4. As used in this chapter, "political subdivision" has the meaning set forth in IC 34-4-16.5-2.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-5

"State agency" defined

Sec. 5. As used in this chapter, "state agency" has the meaning set forth in IC 34-4-16.5-2.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-6

"Trustees" defined

Sec. 6. As used in this chapter, "trustees" refers to the board of trustees for the division of state museums and historic sites established by this chapter.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-7

Administration and development of programs and policies

Sec. 7. The division of state museums and historic sites shall administer and develop the programs and policies established by this chapter.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-8

Sections

Sec. 8. (a) The division consists of the following two (2) sections:

- (1) The section of museums.
- (2) The section of historic sites.

(b) The division director may not serve as the head of a section of the division.

(c) An individual may not serve as the head of more than one (1) section of the division.

(d) There must be a separate line item for each section of the division in each bill appropriating money to the division.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-9

General powers of division

Sec. 9. The division may do the following:

- (1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.
- (2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.
- (3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.
- (4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.
- (5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.
- (6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work

of man, geological history, natural resources, the manufacturing arts, and fine arts.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-10

Duties of section of museums

Sec. 10. The section of museums shall do the following:

- (1) Collect, preserve, and interpret artifacts and materials reflecting the cultural and natural history of Indiana.
- (2) Prepare and maintain a statewide inventory of these artifacts and materials.
- (3) Assist other museums within Indiana to meet the criteria of museum accreditation.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-11

Duties of section of historic sites

Sec. 11. The section of historic sites shall do the following:

- (1) Establish standards and criteria for the acquisition of historic properties and for the preservation, restoration, administration, and operation of the sites and structures acquired.
- (2) Acquire by purchase, lease, or gift appropriate historic sites and historic structures.
- (3) Operate and administer those historic sites and historic structures owned or acquired by the state in accordance with this chapter.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-12

Conveyance or lease of property

Sec. 12. (a) The department may convey or lease property acquired under this chapter:

- (1) back to the original owner of the property; or
 - (2) to any other person under a contractual arrangement that will limit the future use of the property and ensure the preservation of the property.
- (b) A historic property that is:
- (1) conveyed under this section; or
 - (2) leased under this chapter;

is subject to rights of access, public visitation, and other conditions of operation established by the department.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-13

Lease of historic property; authority; contents; term

Sec. 13. (a) The department may negotiate and execute a lease of historic property under this section to:

- (1) a political subdivision;
- (2) a state agency;

(3) a for profit or nonprofit organization; or
(4) any other person;
if the department determines that the lease is in the best interests of the citizens of Indiana.

(b) A lease of historic property executed under this section must set forth the following:

- (1) A description of the property subject to the lease.
- (2) The term of the lease.
- (3) A requirement that complete plans and specifications be submitted to the department for review and written approval before any construction begins on the property.
- (4) Terms of the payment of rent for the property.
- (5) A requirement that facilities on the property be available to the public without discrimination.
- (6) Terms of the disposition of:
 - (A) the property; and
 - (B) improvements on the property;at the termination of the lease.

(c) This section does not require that the property subject to a lease be surveyed.

(d) The term of a lease executed under this section may not exceed twenty-five (25) years. However, the lease may provide for the renewal of the lease at the option of the parties for one (1) or two (2) periods. A renewal period may not exceed ten (10) years.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-14

Lease of historic property; statement of intent; proposals; lease agreement

Sec. 14. (a) This section applies to the negotiation and execution of a lease of historical property on which the department desires certain facilities to be provided. However, this section does not apply to a lease of historic property to:

- (1) a political subdivision; or
- (2) a state agency.

(b) The department shall prepare and publicize through appropriate media a statement of intent that does the following:

- (1) Describes the facilities that the department desires to be provided on the historic property.
- (2) Sets forth a procedure for the submission of proposals by persons proposing to lease the historic property and provide the facilities.

(c) A statement of intent prepared under subsection (b) must appear in at least three (3) legal advertisements at ten (10) day intervals in at least five (5) daily newspapers of wide and general circulation in Indiana.

(d) During the sixty (60) days following the publication of the final legal advertisement under subsection (c), proposals may be submitted to the department in response to the statement of intent. The department shall do the following:

(1) Select from the proposals submitted the one (1) proposal that the department considers most appropriate for the fulfillment of the statement of intent.

(2) Submit the proposal to the trustees and the commission for approval.

(e) If the proposal is approved in writing by the trustees and the commission, the department may negotiate a lease agreement with the party that submitted the proposal. After a lease agreement is entered into and set forth in writing, the department shall submit the lease agreement to the attorney general for review. A lease agreement that is:

(1) negotiated;

(2) executed by the authorized agents of the state and the lessee; and

(3) approved by the attorney general;

under this section is a binding contract between the state and the lessee.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-15

Adoption of rules

Sec. 15. The director may, with the approval of the commission, adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-16

Board of trustees

Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

(1) The director of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) One (1) member of the Indiana State Museum Society nominated by the Society.

(B) One (1) member of the Indiana State Museum Volunteers nominated by the volunteers.

(C) Two (2) members must be recognized supporters of historic sites.

(D) Not more than seven (7) members may be members of the same political party.

(E) Not more than two (2) members may be from the same county.

(F) Each congressional district in Indiana must be represented by at least one (1) member.

(c) The terms of the appointed members shall be staggered.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-17

Term of trustees

Sec. 17. Each appointed member of the trustees:

(1) serves at the pleasure of the governor for a term of three (3) years beginning September 1; and

(2) may not serve more than three (3) consecutive terms.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-18

Filling of vacancies

Sec. 18. A vacancy on the board of trustees shall be filled for the unexpired term in the same manner as for a full term.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-19

Per diem compensation and traveling expenses

Sec. 19. (a) Each member of the trustees who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the trustees who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-20

Vice chairman and secretary

Sec. 20. The trustees shall select a vice chairman from their membership for a term of one (1) year expiring September 1 following the selection. The division director is the secretary of the trustees.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-21

Quorum

Sec. 21. Seven (7) members of the trustees constitute a quorum.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-22

Duties of trustees

Sec. 22. The trustees shall do the following:

(1) Nominate, when the position of division director is vacant, a person to be appointed by the director to that position. If the director rejects a nominee's appointment, the trustees shall nominate another person.

(2) Recommend, when appropriate, the dismissal of a division director.

- (3) Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.
- (4) Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the director.
- (5) Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.
- (6) Review, guide, and assist in the development of statewide outreach programs.
- (7) Review, guide, and assist in the development of professionalism of the staff and operations.
- (8) Review, recommend, and devise methods to enable the division to do the following:
 - (1) Increase the division's physical plant.
 - (2) Expand the educational areas.
 - (3) Meet storage needs.
- (9) Develop a plan of growth to meet physical, program, and financial needs for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the institution stays within the developed plan.
- (10) Recommend policies, procedures, and practices that the commission, the director, and the secretary shall consider.
- (11) Give advice or make recommendations to the governor and the general assembly when requested or on the initiative of the trustees.
- (12) Review the conduct of the work of the division. To implement this duty, the trustees have access at any reasonable time to copies of all records pertaining to the work of the division.
- (13) Adopt bylaws consistent with this chapter for the division's internal control and management and file a copy of the bylaws with the director.
- (14) Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.
- (15) Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.
- (16) Promote the welfare of the division.
- (17) Make recommendations concerning the administration of the fund established by section 24 of this chapter.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-23

Gifts of historic property; sale or exchange of artifacts or historic property

Sec. 23. (a) The commission may, on recommendation of the

trustees, accept or refuse to accept an offered gift of historic property that would be administered by the department.

(b) The commission may, on recommendation of the trustees, sell, lease, or exchange historic property administered by the department under IC 4-20.5-7 or IC 5-22-22.

(c) The commission may, on recommendation of the trustees and in accordance with rules adopted by the commission under IC 4-22-2, sell, donate, or exchange artifacts in the museum's collection to or with other public or nonprofit museums or historical societies. However, the commission may donate an artifact in the museum's collection to a public or nonprofit museum or historical society under this subsection only if the museum or historical society is located in Indiana.

(d) The commission may, on recommendation of the trustees, adopt rules under IC 4-22-2 to establish a procedure for evaluating the merits of proposals to:

- (1) accept gifts of;
- (2) sell; or
- (3) exchange;

artifacts or historic property.

As added by P.L.1-1995, SEC.13. Amended by P.L.49-1997, SEC.49.

IC 14-20-1-24

Fund

Sec. 24. (a) The state museum acquisition fund is established. The division shall administer the fund.

(b) The following shall be deposited in the fund:

- (1) Gifts of money to the fund or the proceeds from the sale of gifts donated to the fund.
- (2) The proceeds from sales or leases under section 23 of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The division may, on recommendation of the trustees, purchase with money in the fund objects for the state museum collection. All money accruing to the fund is appropriated continuously for this purpose.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.1-1995, SEC.13.

IC 14-20-1-25

Alteration of historic property prohibited

Sec. 25. A person who:

- (1) knowingly; and
- (2) without a permit;

alters historic property within the boundaries of property owned or

leased by the state commits a Class B misdemeanor.
As added by P.L.1-1995, SEC.13.